

Appl. No. 09/839,388
Amendment Dated March 1, 2006
Reply to Office Action of December 1, 2006

REMARKS

Summary

Claims 1-14 stand in this application. Claims 15-16 have been previously withdrawn. Favorable reconsideration and allowance of the standing claims are respectfully requested

Allowed Claims

We would like to thank the Examiner for indicating the allowability of claims 7 and 13-14.

Allowable Claims

We would like to thank the Examiner for indicating the allowability of claims 2 and 9 if amended to include all of the limitations of the base claims and any intervening claims. Applicant respectfully submits, however, that these claims represent patentable subject matter as currently listed based on the amendments and/or remarks given for the independent claims as discussed in detail below. Applicant would like to respectfully reserve the right, however, to amend the allowable claims into independent form during further prosecution if warranted.

35 U.S.C. § 102

At page 2, paragraph 4 of the Office Action claims 1, 3-6, 8 and 10-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number

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(USPN) 6321199 (Theimer). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that the Theimer reference fails to teach each and every element recited in claims 1, 3-6, 8, and 10-12 and thus they define over the Theimer reference. For example, with respect to independent claims 1 and 8, the Theimer reference fails to teach, among other things, the following language:

receiving an analog voice signal having a value for said network parameter.

According to the Office Action, this language is disclosed by the Theimer reference at Col. 4: lines 55-65. Applicant respectfully disagrees. The Theimer reference at the given cite, in relevant part, states the following:

variation range of a variable characteristic of the sound to be assigned in a defined manner to the predetermined options in the list.

It appears from this language that the "variation range of a variable characteristic of the sound" is being used to select a predetermined option from a list. In other words, changes in tone or frequency may be used to scroll through a list and select a particular option from the list. Theimer, Col. 3: Lines 36-49. In contrast, the claimed subject matter actually sets a value for a network parameter using analog voice signals, such as setting a network address for a network address parameter, for example. Specification, Page 4: Line 22 to Page 5: Line 2. Consequently, the Theimer reference fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 1 and 8.

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Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 3-6 and 10-12, which depend from claims 1 and 8, respectively, and therefore contain additional features that further distinguish these claims from the Theimer reference.

Conclusion

For at least the above reasons, Applicant submits that claims 1, 3-6, 8, and 10-12 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-14 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

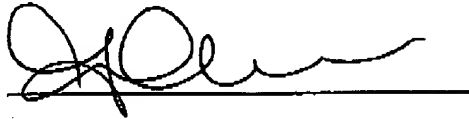
The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

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The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

KACVINSKY LLC



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: March 1, 2006

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED BY FACSIMILE ON THE DATE SHOWN BELOW TO THE UNITED STATES PATENT AND TRADEMARK OFFICE.


Deborah L. Higham

3/01/06
Date